

Another illustration of the firm's pattern of business is: On May 13, 1951, Miss Helen Hyde, San Francisco, called at the Nature's Herb Co.'s store and inquired for the book "Herbs for Health." A copy was produced from beneath the counter. Upon asking whether the herbs listed in the book could be purchased in the store, Miss Hyde was assured that they could be. Miss Hyde then requested a price list of the herbs mentioned in the book and was supplied with a copy of "Price list of Formulas Listed in Dr. O. Mausert's Book 'Herbs for Health'," 5th Edition, printed in 1951.

Further, on June 1, 1951, Dr. P. S. Jorgensen called at the San Francisco store of the Nature's Herb Co. and asked for something on how to live right. A copy of the book "Herbs for Health" was produced from beneath the store's counter, and on page 58 Dr. Jorgensen found "Formula No. 3, Powder for Asthma," a mixture of 9 plant drugs. In reply to a question by Dr. Jorgensen, as to where he could purchase this formula, he was informed, "We have the remedy here." Dr. Jorgensen purchased the book and the formula.

On June 5, 1951, a contract signed by Nathan Podhurst, president of the Nature's Herb Co., and Miss Margaret Gross, acting for the company, was entered into with Mercury Press, San Francisco, Calif., for the printing of 5,000 copies of the book "Herbs for Health."

**DISPOSITION:** October 21, 1952. The Nature's Herb Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the drugs and books be released under bond, conditioned that the drugs be relabeled in such manner that all references to the books should be excluded from the labeling and that the books be sold and distributed and otherwise disposed of in such manner that they would not become a part of any sales or distributional campaign for the sale of crude drugs sponsored by or on behalf of the claimant or any other person or firm; further, that the drugs and books should not be sold or disposed of contrary to the provisions of the Federal Food, Drug, and Cosmetic Act, or other laws.

**3893. Misbranding of Lebanon Brand herb tablets. U. S. v. 50,000 Herb Tablets, etc. (F. D. C. No. 33606. Sample No. 7627-L.)**

**LIBEL FILED:** July 25, 1952, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about June 27, 1949, from Cleveland, Ohio.

**PRODUCT:** 50,000 *Lebanon Brand herb tablets* at Corry, Pa., in possession of the Lebanon Co., together with a number of leaflets entitled "Lebanon Brand Herb Tablets are More Than a Laxative."

**RESULTS OF INVESTIGATION:** The Lebanon Co., after receipt of the tablets, re-packed them into 60-tablet packages and caused a number of the above-mentioned leaflets to be printed and associated with the tablets. Analysis disclosed that the tablets contained, among other things, strychnine and digitalis.

**LABEL, IN PART:** (Pkg) "Lebanon (Brand) Herb Tablets."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the above-mentioned leaflets were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for dyspepsia, diseases of the genito-urinary system, including inflammation and retention or incontinence of urine, congested or torpid liver, chronic rheumatism, impure blood, "bad liver," poisoned system, arthritis, and vertigo or dizziness. The article was not effective for such conditions.

Further misbranding, Section 502 (e) (2), the article contained digitalis and strychnine, and its label failed to reveal the presence and proportion of these ingredients.

DISPOSITION: November 21, 1952. Default decree of condemnation and destruction.

3894. Misbranding of barley cereal and honey. U. S. v. 64 Boxes, etc. (F. D. C. No. 33272. Sample Nos. 36966-L, 36967-L.)

LIBEL FILED: May 27, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about December 6, 1951, and January 25, 1952, from Paterson, N. J., and Los Angeles, Calif.

PRODUCT: 64 16-ounce boxes of *barley cereal* and 26 5-ounce jars and 18 1-pound jars of *honey* at New York, N. Y., in possession of Lust's Health Food Bakery, Inc.

RESULTS OF INVESTIGATION: The articles were shipped in bulk, and upon receipt by the consignee, they were repacked and relabeled.

LABEL, IN PART: (Box) "Lust's Old Fashion Barley Health Cereal"; (jar) "Pure Nature-Sweet Orange Blossom Honey."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the articles were false and misleading. The statements represented and suggested that the *barley cereal* was effective to make pure blood, to aid digestion, insure sleep, promote health, cure sickness, and prevent nervousness and sleeplessness, and that the *honey* was effective in building blood. The articles were not effective for such purposes. They were misbranded while held for sale after shipment in interstate commerce.

The articles were alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: October 2, 1952. Default decree of condemnation. The court ordered that a portion of the articles be delivered to the Food and Drug Administration and that the remainder be destroyed.

3895. Misbranding of cough syrup. U. S. v. 24 Dozen Bottles \* \* \*. (F. D. C. No. 33463. Sample No. 8450-L.)

LIBEL FILED: July 15, 1952, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 16, 1952, by the Aetna Chemical Co., from Detroit, Mich.

PRODUCT: 24 dozen 8-ounce bottles of *cough syrup* at Farrell, Pa. Examination showed that the product contained 106.5 U. S. P. units of vitamin A and 7.5 U. S. P. units of vitamin D per teaspoonful. U. S. P. cod liver oil contains in each teaspoonful not less than 3,900 U. S. P. units of vitamin A and not less than 390 U. S. P. units of vitamin D.

LABEL, IN PART: "Greenstone's Cough Syrup \* \* \* With Cod Liver Oil Concentrate."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "With Cod Liver Oil Concentrate" and the picture of a fish on the label were misleading since the product provided but a small fraction of the therapeutic dose of cod liver oil, as shown by its vitamins A and D content.

DISPOSITION: November 21, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.